



Montoya, Darlene <dmontoya@nmag.gov>

Fwd: Use of force Rules and Regulations

2 messages

Franklin Boyd <fboyd@gallupnm.gov>
To: dmontoya@nmag.gov
Cc: Phillip Hart <pchart@gallupnm.gov>

Tue, Jan 24, 2017 at 1:29 PM

Darlene:

Attached is our SOP's per your request for OIS and Use of Force. I will also forward you our use of force reporting form which we are currently updating (first revision). We review our SOP about once a year and we are currently doing that now (every January). I am also in contact with the New Mexico State Police currently for sample MOU's, letters, etc as we are wishing to start having them conduct investigations as the lead investigating agency for when we have a GPD officer involved in an OIS. So we expect to also revise our SOP accordingly. Thank you, Frank Boyd - Deputy Chief Gallup PD.



Use of force Rules and Regulations.pdf
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Montoya, Darlene <dmontoya@nmag.gov>
To: Franklin Boyd <fboyd@gallupnm.gov>
Cc: Phillip Hart <pchart@gallupnm.gov>

Tue, Jan 24, 2017 at 1:55 PM

Thank you D/C Boyd. I did get the OIS and Use of Force SOPs.

Have a great rest of the day and stay safe.

On Tue, Jan 24, 2017 at 1:29 PM, Franklin Boyd <fboyd@gallupnm.gov> wrote:

Darlene:

Attached is our SOP's per your request for OIS and Use of Force. I will also forward you our use of force reporting form which we are currently updating (first revision). We review our SOP about once a year and we are currently doing that now (every January). I am also in contact with the New Mexico State Police currently for sample MOU's, letters, etc as we are wishing to start having them conduct investigations as the lead investigating agency for when we have a GPD officer involved in an OIS. So we expect to also revise our SOP accordingly. Thank you, Frank Boyd - Deputy Chief Gallup PD.

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Darlene Montoya, Administrator
New Mexico Attorney General's Office
408 Galisteo Street
Santa Fe, New Mexico 87501
(505) 490-4854

Gallup Police Department
" Rules and Regulations "

Effective date: September 15, 2004

314.00

USE OF FORCE

Police Officers shall use only that force which is reasonably necessary to protect the sanctity of human life, preserve and protect individual liberties, and to effect lawful objectives. All Police Officers will act in good faith in the exercise of force. The Police Officers' options can range from a continuum of verbal persuasion to deadly force.

In vesting Police Officers with the lawful authority to use force to protect the public welfare, a careful balancing of all human interests is required.

DEFINITIONS:

DEADLY FORCE

Any use of force that is likely to cause death or serious physical injury.

NON-DEADLY FORCE

Any use of force other than that which is considered deadly force.

SERIOUS PHYSICAL INJURY

A bodily injury that creates a substantial risk of death, causes serious, permanent disfigurement, or results in long-term loss or impairment of the functioning of any bodily member or organ.

REQUIRED ACTION

Any offensive or non-passive defensive action by an Officer or some intentional action under his /her immediate control.

REQUIRED ACTION INJURY

Any injury to a suspect that results from offensive or non passive defensive action by an Officer, or some intentional action under his /her immediate control.

LESS THAN LETHAL FORCE

Force that is intended to cause or which is likely to cause bodily harm and in certain circumstances may result in death or great bodily injury.

LESS THAN LETHAL MUNITIONS

Munitions, including bean bag rounds, rubber pellet rounds, foam projectile rounds, and wooden baton rounds, which are designed to incapacitate hostile individuals without causing death or great bodily harm. Although designed to incapacitate without causing death or great bodily injury, there always exists that possibility even when properly deployed.

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Effective date: January 8, 2007

BODILY HARM

Any physical injury which causes pain or illness.

RULES AND PROCEDURES:

314.01 **NON DEADLY FORCE/USE**

- A. Where force is warranted, Police Officers should assess the incident in order to determine which technique or tool will reasonably de-escalate the incident and bring it under control safely.
- B. Every Officer is responsible for weighing all other reasonable means of apprehension or control before resorting to a use of force.
- C. Police Officers shall use only that force which is reasonable and necessary to overcome resistance, to protect oneself or another, and to effect lawful objectives.
- D. When a confrontation escalates suddenly, Police Officers may use any means or device at hand for self-defense provided that the use of force is reasonable, given the existing circumstances.
- E. Police Officers are permitted to use those defensive tactics and non deadly tools with which they are trained, qualified, and certified with, as determined by training procedures, for the resolution of incidents when force becomes necessary.
- F. Every Officer is expected to consider the use of Department approved options, ranging from verbal techniques, hand control procedures, and non-lethal equipment. The following non deadly force tools are authorized to be issued :
 - 1. Expandable Baton
 - 2. Chemical Agents
 - 3. Handcuffs
 - 4. Less than lethal munitions
 - 5. Pepper-ball System
 - 6. Electronic Restraint Device
 - 7. Bean Bag Rounds

Effective date: January 8, 2007

314.01 (A) USE OF TASER

The taser is a less than lethal weapon and is not intended to replace the firearm in deadly force situations.

The decision to use the taser is the same as the decision to use OC spray or a baton; it depends on the actions and the critical distance of the threat.

The taser may be used to control a dangerous or violent subject when deadly physical force does not appear to be justified and/or necessary, or attempts to subdue the subject by other conventional tactics have been, or will likely be, ineffective in the situation at hand; or there is reasonable expectation that it will be unsafe for officers to approach within contact range of the subject.

DEFINITION

TASER – A defensive weapon approved by the department that transmits electrical impulses to override the central nervous system and control the skeletal muscles.

The following provisions are established:

- a. Taser shall be issued to and used only by officers who have completed the department's taser training program.
- b. Only properly functioning and charged tasers shall be used.
- c. The X-26 taser will be the only taser allowed for use by the Gallup Police Department.
- d. Decision to deploy the taser will be made by the certified taser operator or instructor.
- e. Laser sight from the taser shall never be aimed at the suspect's face or head area.
- f. The deployment of the taser will be considered in the force continuum the same as chemical agents or aerosol projectors.
- g. No changes, alterations, modifications or substitutions shall be made to the taser.
- h. Any tasers that are unsafe or not functioning properly shall be given to the department's lead taser instructor.
- i. In cases where a subject is struck with a probe in the face or groin area the Gallup Fire Department's rescue unit and/or a Med-Star unit must respond to the scene to treat the injury.
- j. Only officers certified to use tasers are authorized to remove the probes and must follow guidelines.
- k. Photographs will be taken of the location where the taser probes struck the body. Officers taking photographs must do so out of public view if the probes strike private areas of the subject's body.
- l. The air cartridges and probes used shall be tagged into evidence. Since the probes will probably have blood on them (biohazard) the officers should wear latex gloves when handling. The wires shall be wound around the cartridge. The probes shall be inverted into the portals which they were fired from (this will prevent sharp ends from penetrating the evidence envelope). Tape should be placed over the portals to secure the probes in the cartridge. Place into evidence envelope.

Effective date: January 8, 2007

AFID (Anti-Felon Identification): every time an air cartridge is fired, it disperses 20-30 identification tags called AFIDs. These tags are printed with the serial number of the cartridge and can be used to determine who fired the cartridge. At least two AFID's will be placed inside the evidence envelope with the air cartridge. The number from the AFID's shall be logged on the offense report.

- m. To be certified in the use of the X-26 taser, it is required that officers take a five second "hit" during the training and a one second contact "drive stun".
- n. Re-certification for end-users shall occur annually and once an officer has completed an exposure to a contact "drive stun" and a "hit" they will no longer be required to experience contact with the taser during their employment with the Gallup Police Department. Re-certification for instructors shall occur every two-years.

DEPLOYMENT PROCEDURES

1. Only properly functioning and charged X26 tasers shall be carried for use.
2. Each discharge, including accidental discharges, of the X26 taser shall be investigated and documented utilizing the Gallup Police Department's offense report.
3. The X26 taser is programmed to give a 5-second "electrical current". The operator can shorten or extend the time. The probes should not be touched during this time period, as you would also receive the same "electrical current". In addition, officers should avoid stepping on or tripping over the wires.
4. **NEVER** aim the X26 taser at the eyes or the face. It is laser sighted – the top probe will follow the front and rear sights and the laser sight; the bottom probe (due to the 8-degree drop) is that it drops 1 foot for every seven feet of travel. The X26 taser has a range of 21 feet. Optimum distance for deployment is 7-15 feet.
5. Keep hands away from the front of the unit at all times unless the safety slide is forward and the X26 taser is deactivated. ****Handle the X26 taser like you would a loaded handgun.**
6. Always replace air cartridges by their expiration date and use for training only.
7. **DO NOT** fire the X26 taser near flammable liquids or fumes. The X26 taser can ignite gasoline or other flammables. Some self-defense sprays are flammable (Freeze +p has been shown to be flammable) and would be extremely dangerous to use in conjunction with the X26 taser. Do not deploy in highly flammable environments such as meth labs, etc.
8. Prior to the use of the X26 taser, if practical, yell "taser" indicating the use of the X26 taser is imminent to prevent unintentional shootings.
9. The taser can function in stun mode after the probes have been fired as a backup weapon. Drive weapon aggressively into nerve or motor points for best effectiveness: **Drive Stun.** If only the stun mode is used, the taser becomes a pain compliance technique with limited threat reduction. The taser will always fire a live cartridge when activated if an unfired cartridge is present. To use the drive stun without firing probes, remove live cartridge.

Effective date: January 8, 2007

TACTICAL CONSIDERATIONS & LIMITATIONS

DO NOT USE IN ANY OF THE FOLLOWING SITUATIONS:

- A. Any known or obviously pregnant female.
- B. Any subject who is saturated with or in the presence of highly flammable or combustible materials and liquids.
- C. Any subject who may receive a secondary injury resulting from a fall from its use, i.e. standing on a roof ledge or high elevation.
- D. Avoid the facial area of the head, neck, groin and female breast, if possible.
- E. Any person that is shackled and handcuffed, unless there is an immediate threat to the officer, suspect or bystander.
- F. Should not be used as a tool of coercion or punishment.
- G. Excessive use of the X26 taser in subduing a subject is forbidden.

GUIDELINES FOR POLICE OFFICER REMOVAL OF TASER PROBES FROM SUBJECT

Supplies:

Gloves, Antiseptic wipes, Band-Aids, Spent Cartridge, Biohazard Sticker

Subject Safety:

DO NOT attempt removal if subject is combative
DO NOT attempt removal if location of the probe is

Face
Neck
Ear
Breast
Groin
Deeply imbedded

Eye (Only Emergency room staff may remove probes in these areas)

Probes that are superficially in the skin may be removed by an officer who is trained to do so and under the supervision of another officer.

Procedure:

1. Officer dons gloves
2. Places spent taser cartridge on the ground or other flat surface with holes up
3. Firmly grasp the probe and with one pull remove probe from subject and place probe point down in the spent cartridge DO NOT HOLD CARTRIDGE WHILE PLACING USED PROBE INTO CARTIDGE, INSTEAD KEEP IT ON THE GROUND OR OTHER FLAT SURFACE

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4. With antiseptic wipe, clean the skin in circular motion moving from puncture wound out - dirty skin will need more than one cleaning - use new antiseptic wipe for each cleaning
5. DO NOT GO BACK AND FORTH ACROSS THE PUNCTURE WOUND, START IN CENTER AND MOVE OUTWARD IN A CIRCULAR MOTION (this is to prevent infection of the puncture site)
6. After air drying apply clean dry Band-Aid
7. If needed, follow same procedure for removal of second taser probe
8. Each fired probe shall be treated as a biohazard whether it is in the skin or not at the time of post-deployment evaluation
9. Secure holes of spent taser cartridge with tape and apply biohazard label
10. Handle, store and dispose of cartridge in the same manner as biohazard waste
11. Assess subject for any injury or condition that may need medical attention and seek appropriate level of service for the subject
12. Provide taser Aftercare Instruction Sheet to the subject or subject's responsible party if released from custody and to admitting jail if subject is incarcerated
13. Remove gloves and clean hands with waterless hand sanitizer

This policy has been reviewed and approved as signed and dated below.



Chief S. Stanley



Date 1-8-06 07

Gallup Police Department
* Rules and Regulations *

Effective date: January 8, 2007

314.02 **USE OF ELECTRONIC RESTRAINT DEVICE**

- A. In order to determine which technique or weapon will reasonably de-escalate the incident and bring it under control safely, Police Officers should assess the situations where force is warranted. Police Officers shall use only that force which is reasonably necessary to effect lawful objectives.
- B. Police Officers will only use the less than lethal force Electronic Restraint Device (ERD) after receiving training and certification in its proper use, and according to departmental and manufacturer training guidelines.
- C. When feasible, every effort will be made by Police Officers deploying the Electronic Restraint Device (ERD), to inform other involved Police Officers that a less than lethal weapon is being deployed.
- D. The use of a less than lethal Electronic Restraint Device (ERD) is authorized:
 - 1. At the discretion of the Officer where the continued actions of a suspect places the suspect, citizens, or Police Officers at risk of injury and where physical contact of the subject would increase the likelihood of injury to the suspect, citizens, or Police Officers.
 - 2. In riot or crowd control to control and arrest principle suspects under direct authority of the squad leader or supervisor on the scene.
- E. Whenever possible, a warning shall be given to the suspect prior to deployment of the ERD unless such a warning would increase the risk of greater injury to Police Officers, citizens or the suspect.
- F. Extreme caution should be used upon deployment of the ERD in areas where there is a potential for fire hazard such as flammable vapors, gases, or electronic spark hazard.
- G. The Officer will follow the guidelines as established in the Gallup Police Departments Use of Taser policy and procedure and departmental training.

314.03 **DEADLY FORCE/USE**

- A. The authorized tools that are available to an Officer are intended to be used as defensive instruments to prevent an assailant from completing a potentially deadly act.
- B. A firearm is discharged with the primary intent to stop or incapacitate. To ensure maximum stopping effectiveness and minimal danger to innocent bystanders and non-participants, the Officer should shoot at "center body mass" when discharging a firearm.
- C. In the performance of duty, Police Officers are authorized to use deadly force, by any means, in order to:
 - 1. Protect the Officer or others from what is reasonably believed to be an immediate threat of death or serious physical injury.

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2. Prevent the escape of, or to effect the apprehension of a fleeing felon where there is a reasonable belief the suspect poses a significant threat of death or serious injury to human life should escape occur.
- D. To provide guidelines for an appropriate interpretation of a fleeing felon who would pose a significant threat of death or serious injury, the following is provided:
 1. Suspect is armed and dangerous
 2. The suspect was armed and dangerous during the commission of a previously committed felony or the felony resulted in death or serious injury.
- E. Where feasible, some warning should be given prior to engaging in the use of deadly force.
- F. If a Officer is the victim of an assault which might cause death or serious injury, he is not required to retreat, but may stand his ground and defend himself even to the point that deadly force is required, if the use of force would prevent death or serious injury. The rule of self-defense is applicable, regardless of the age or sex of the assailant.
- G. Officers shall not surrender their firearms except as a last resort and only after using every tactical tool at their disposal.
- H. Police Officers may utilize deadly force to safely destroy an animal that represents a threat to public safety, as a humanitarian measure where the animal is seriously injured and other alternatives have been exhausted, or when requested by animal control.
- I. Police Officers will not intentionally place themselves in the path of a fleeing vehicle and then in self-defense, fire upon the vehicle or its occupants.
- J. Police Officers will not discharge a firearm at or from a moving vehicle.
- K. Warning shots are prohibited; unless doing so would save the Officer or another from death or serious injury.

314.04 **USE OF LESS THAN LETHAL MUNITIONS**

- A. In order to determine which technique or weapon will reasonably de-escalate the incident and bring it under control safely, Police Officers should assess the situations where force is warranted. Police Officers shall use only that force which is reasonably necessary to effect lawful objectives.
- B. Police Officers will only use less than lethal force munitions after receiving training and certification in their proper use, and according to Departmental training guidelines.

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- C. Every effort will be made by Police Officers deploying the munitions to inform other involved Police Officers that a less than lethal munition is being used. The use of less than lethal munitions is authorized when a suspect is placing Police Officers or citizens in imminent threat of death or great bodily harm. The exception to this would be a suicidal subject who is threatening to harm himself and the risk of injury or the severity of injury from a less than lethal response would be less than if the subject was allowed to harm himself.

314.05 FIREARMS SAFETY

Firearms will be carried in a safe and secure manner. Horseplay as well as flippant and careless behavior, is prohibited.

- A. An Officer may draw a firearm from a retaining device, with no intent to use it, when necessary to control a high risk situation, or take a felon into custody.

314.06 REPORTING USES OF FORCE

- A. In instances where Police Officers actions result in death or serious injury, the reporting and investigation process will followed those outlined in the Violent Crimes Investigation section of this manual.
- B. In all other instances where Police Officers actions result in an injury, Police Officers shall document the injury or alleged injury in the report of the incident.
1. The Offense/Incident report will include a detailed description of the events leading to the necessity for the use of required action, the amount and type of action used the nature and extent of injuries and treatment rendered to Police Officers and subjects, the identity of combatants, Police Officers involved, witnesses and medical personnel involved, and any additional pertinent information.
 2. If an Officer is unable to write the report, the on-duty supervisor will ensure the necessary report is properly prepared and forwarded.
- C. In all instances where deadly force is used or the discharge of a firearm occurs (other than in training or for recreational purposes) Police Officers shall immediately notify their supervisor or the next available supervisor.
- D. When Metro Dispatch is notified of the use of deadly force or the discharge of a firearm in any situation, they shall contact the immediate supervisor in charge. When serious injury or death has resulted from the incident Metro Dispatch will follow the procedures outlined in the Deadly Force investigations section of this manual.
- E. Any perscnnel receiving information that other personnel have used or been involved in the use of force of any type, except during training, shall immediately notify Metro Dispatch.
- F. In all instances where an Electronic Restraint Device is deployed, (other than during training or for daily test deployment), Police Officers shall:

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1. Immediately notify their supervisor or the next available supervisor in their chain of command.
2. Complete an Offense and Incident report detailing the date, time, location, and events surround the deployment of the ERD.
3. Complete an ERD Deployment Form.
4. Turn in a copy of the Initial Offense and Incident Report and ERD Deployment Form to the Bureau Commander within five working days.

314.07 SUPERVISORY RESPONSIBILITIES

- A. In all instances where deadly force is used the supervisor will immediately notify the Chief of Police, The Deputy Chief of Police, and the effected Bureau Commander.
- B. Supervisors will ensure that a written report is submitted in all instances where force is used, or a firearm is discharged. This report is to be submitted to the office of the Chief of Police by the end of the supervisors shift. In the event that the use of force results in death the supervisor will follow the procedures outlined in the Deadly Force investigations section of this manual.
- C. When a supervisor feels that a case may require disciplinary action they shall forward a complete written report, including conclusions and recommendations, through the Chain of Command, to the Chief of Police by the end of the supervisors shift.
- D. All requests for time extensions for reporting shall be made to the Chief of Police through the Chain of Command. Requests for extension may be approved or denied at the Chief's discretion.

314.08 DEPARTMENTAL RESPONSE

- A. The Department shall conduct both a criminal and an administrative investigation of a deadly force incident.
- B. Personnel whose use of force results in the death of another shall automatically be place on paid administrative leave pending investigation. This leave time is not to be less than three (3) working days.
- C. All reported uses of force shall be reviewed by the Officer's supervisor and forwarded to The Bureau Commander. The Bureau Commander shall review the Use of Force and determine if the incident needs to be referred to the Internal Affairs Unit for investigation to determine whether:
 1. Departmental policies, rules, or procedures were violated.
 2. The relevant policy was clearly understandable and effective to cover the situation.
 3. Department training standards were effective and current.
- D. All findings of policy violations or training inadequacies shall be reported to the Chief of Police for resolution and/or discipline.

GALLUP POLICE DEPARTMENT'S POLICY & PROCEDURE

USE OF TASER

The taser is a less than lethal weapon and is not intended to replace the firearm in deadly force situations.

The decision to use the taser is the same as the decision to use OC spray or a baton; it depends on the actions and the critical distance of the threat.

The taser may be used to control a dangerous or violent subject when deadly physical force does not appear to be justified and/or necessary, or attempts to subdue the subject by other conventional tactics have been, or will likely be, ineffective in the situation at hand; or there is reasonable expectation that it will be unsafe for officers to approach within contact range of the subject.

DEFINITION

TASER – A defensive weapon approved by the department that transmits electrical impulses to override the central nervous system and control the skeletal muscles.

The following provisions are established:

- a. Taser shall be issued to and used only by officers who have completed the department's taser training program.
- b. Only properly functioning and charged tasers shall be used.
- c. The X-26 Taser will be the only taser allowed for use by the Gallup Police Department.
- d. Decision to deploy the taser will be made by the certified taser operator or instructor.
- e. Laser sight from the taser shall never be aimed at the suspect's face or head area.
- f. The deployment of the taser will be considered in the force continuum the same as chemical agents or aerosol projectors.
- g. No changes, alterations, modifications or substitutions shall be made to the taser.
- h. Any tasers that are unsafe or not functioning properly shall be given to the department's lead taser instructor.
- i. In cases where a subject is struck with a probe in the face or groin area the Gallup Fire Department's rescue unit and/or a Med-Star unit must respond to the scene to treat the injury.
- j. Only officers certified to use tasers are authorized to remove the probes and must follow guidelines.
- k. Photographs will be taken of the location where the taser probes struck the body. Officers taking photographs must do so out of public view if the probes strike private areas of the subject's body.
- l. The air cartridges and probes used shall be tagged into evidence. Since the probes will probably have blood on them (biohazard) the officers should wear

latex gloves when handling. The wires shall be wound around the cartridge. The probes shall be inverted into the portals which they were fired from (this will prevent sharp ends from penetrating the evidence envelope). Tape should be placed over the portals to secure the probes in the cartridge. Place into evidence envelope.

AFID (Anti-Felon Identification): every time an air cartridge is fired, it disperses 20-30 identification tags called AFIDs. These tags are printed with the serial number of the cartridge and can be used to determine who fired the cartridge. At least two AFID's will be placed inside the evidence envelope with the air cartridge. The number from the AFID's shall be logged on the offense report.

- m. To be certified in the use of the X-26 Taser, it is required that officers take a "hit" during the training.
- n. Re-certification for end-users shall occur annually. Re-certification for instructors shall occur every two-year.

DEPLOYMENT PROCEDURES

1. Only properly functioning and charged X26 Tasers shall be carried for use.
2. Each discharge, including accidental discharges, of the X26 Taser shall be investigated and documented utilizing the Gallup Police Department's offense report.
3. The X26 Taser is programmed to give a 5-second "electrical current". The operator can shorten or extend the time. The probes should not be touched during this time period, as you would also receive the same "electrical current". In addition, officers should avoid stepping on or tripping over the wires.
4. **NEVER** aim the X26 Taser at the eyes or the face. It is laser sighted – the top probe will follow the front and rear sights and the laser sight; the bottom probe (due to the 8-degree drop) is that it drops 1 foot for every seven feet of travel. The X26 Taser has a range of 21 feet. Optimum distance for deployment is 7-15 feet.
5. Keep hands away from the front of the unit at all times unless the safety slide is forward and the X26 Taser is deactivated. ****Handle the X26 Taser like you would a loaded handgun.**
6. Always replace air cartridges by their expiration date and use for training only.
7. **DO NOT** fire the X26 Taser near flammable liquids or fumes. The X26 Taser can ignite gasoline or other flammables. Some self-defense sprays are flammable (Freeze +p has been shown to be flammable) and would be extremely dangerous to use in conjunction with the X26 Taser. Do not deploy in highly flammable environments such as meth labs, etc.
8. Prior to the use of the X26 Taser, if practical, yell "Taser" indicating the use of the X26 Taser is imminent to prevent unintentional shootings.
9. The Taser can function in stun mode after the probes have been fired as a backup weapon. Drive weapon aggressively into nerve or motor points for best effectiveness: **Drive Stun**. If only the stun mode is used, the Taser becomes a pain compliance technique with limited threat reduction. The Taser will always

fire a live cartridge when activated if an unfired cartridge is present. To use the drive stun without firing probes, remove live cartridge.

TACTICAL CONSIDERATIONS & LIMITATIONS

DO NOT USE IN ANY OF THE FOLLOWING SITUATIONS:

- A. Any known or obviously pregnant female.
- B. Any subject who is saturated with or in the presence of highly flammable or combustible materials and liquids.
- C. Any subject who may receive a secondary injury resulting from a fall from its use, i.e. standing on a roof ledge or high elevation.
- D. Avoid the facial area of the head, neck, groin and female breast, if possible.
- E. Any person that is shackled and handcuffed, unless there is an immediate threat to the officer, suspect or bystander.
- F. Should not be used as a tool of coercion or punishment.
- G. Excessive use of the X26 Taser in subduing a subject is forbidden.

GUIDELINES FOR POLICE OFFICER REMOVAL OF TASER PROBES FROM SUBJECT

Supplies:

Gloves, Antiseptic wipes, Band-Aids, Spent Cartridge, Biohazard Sticker

Subject Safety:

DO NOT attempt removal if subject is combative

DO NOT attempt removal if location of the probe is

Face

Neck

Ear

Breast

Groin

Deeply imbedded

Eye (Only Emergency room staff may remove probes in these areas)

Probes that are superficially in the skin may be removed by an officer who is trained to do so and under the supervision of another officer.

Procedure:

1. Officer dons gloves
2. Places spent taser cartridge on the ground or other flat surface with holes up
3. Firmly grasp the probe and with one pull remove probe from subject and place probe point down in the spent cartridge DO NOT HOLD CARTRIDGE WHILE PLACING USED PROBE INTO CARTRIDGE, INSTEAD KEEP IT ON THE GROUND OR OTHER FLAT SURFACE

4. With antiseptic wipe, clean the skin in circular motion moving from puncture wound out - dirty skin will need more than one cleaning - use new antiseptic wipe for each cleaning DO NOT GO BACK AND FORTH ACROSS THE PUNCTURE WOUND, START IN CENTER AND MOVE OUTWARD IN A CIRCULAR MOTION (this is to prevent infection of the puncture site)
5. After air drying apply clean dry Band-Aid
6. If needed, follow same procedure for removal of second taser probe
7. Each fired probe shall be treated as a biohazard whether it is in the skin or not at the time of post-deployment evaluation
8. Secure holes of spent taser cartridge with tape and apply biohazard label
9. Handle, store and dispose of cartridge in the same manner as biohazardous waste
10. Assess subject for any injury or condition that may need medical attention and seek appropriate level of service for the subject
11. Provide Taser Aftercare Instruction Sheet to the subject or subject's responsible party if released from custody and to admitting jail if subject is incarcerated
12. Remove gloves and clean hands with waterless hand sanitizer

This policy has been reviewed and approved as signed and dated below.

Chief S. Stanley

Date

Effective date: September 15, 2004

324.00

DEADLY FORCE INVESTIGATIONS

The Department shall fully investigate all incidents in which citizens coming in contact with sworn personnel suffer severe injury or death. Personnel of the Department's Deadly Force Investigative Team are required to conduct complete investigations, making use of any physical evidence or witness statements which may be available to collect and preserve physical evidence pertaining to the incident being investigated. Deadly Force Investigative Team personnel are required to collect all physical and testimonial evidence in a manner which ensures that the evidence is useful for courtroom presentation.

The team will be responsible for the investigation of the use of force resulting in death or great bodily injury by Department personnel, with the exception of motor vehicle related incidents.

This team will also investigate the deaths of all persons who are in the custody of the Gallup Police Department at the time of their death, with the exception of motor vehicle related accidents.

The Chief of Police or his designee will be responsible for the formation of a Department "Deadly Force Team", which will be responsible for this type of investigation.

The following guidelines and responsibilities are hereby defined:

DEFINITIONS:

FIRST RESPONDER

This is the first sworn Officer to arrive at the scene regardless of rank. The section written under this heading applies to all personnel regardless of assignment.

FIRST RESPONDING SUPERVISOR

For the purpose of this section First Responding Supervisor will include only on-duty sworn supervisors.

DEADLY FORCE INVESTIGATIVE TEAM

The group of investigators assigned by the Chief of Police to investigate the uses of deadly force. These investigators will perform both the investigation and the Criminalistics functions as directed by the Deadly Force Team Supervisor.

CRIMINALISTICS TEAM

Those personnel of the investigative team assigned to perform Criminalistics work at the scene and during the investigation.

DEADLY FORCE TEAM SUPERVISOR

For the purposes of this section, Investigative Supervisor will include the supervisor appointed to this position by the Chief of Police or his designee.

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Effective date: September 15, 2004

RULES AND PROCEDURES:

324.01 FIRST RESPONDER

- A. The first Officer to arrive will evaluate injuries and render aid as deemed necessary while attempting to avoid the destruction, or contamination of evidence.
- B. Will identify, detain and separate possible suspects and witnesses.
- C. Field Services Bureau Officers will identify the scope of the scene and then secure an area larger than the scope of the scene.
- D. Field Services Bureau Officers will not unnecessarily enter the perimeter of the crime scene; this section applies to all Field Services Bureau personnel regardless of rank or assignment.
- E. Will ensure that a crime scene log is initiated and maintained during the course of the investigation.
- F. Will not relay information pertaining to the investigation to witnesses or by-standers.
- G. Will remain on scene until relieved by the Deadly Force Team supervisor.
- H. All sworn personnel who are deemed as witnesses will be required to submit a detailed Offense/Incident report to the Deadly Force Team supervisor or investigators. These reports are to be completed and turned over to Team personnel prior to the end of the employee's shift, should they be on duty, or prior to their leaving the scene if they are in an off duty capacity.
- I. Any evidence collected prior to the arrival of Criminalistics will be properly documented and then turned over to Criminalistics personnel at the scene.

324.02 FIRST RESPONDING SUPERVISOR

- A. Will obtain a full and complete briefing of the circumstances pertaining to the incident. Any information obtained from the involved Officer(s) shall be taken only after Garrity warnings have been administered. Will then make certain that Garrity information taken from that briefing is not given to the criminal investigators assigned to work the investigation.
- B. Will also insure that all potential witnesses have been separated and secured and that a crime scene log is being maintained and that crime scene security is in place.
- C. Will confirm that the Department Command Staff, the Office of the Medical Investigator, and the District Attorney's Office have been contacted and informed. The supervisor will at this time begin a log indicating where Police Officers involved in this investigation are assigned and what their function is at that location.

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- D. Will advise concerned Officer(s) of their Right to Counsel throughout the entire criminal investigation.
- E. Will obtain the name of a companion Officer from the involved Officer(s) and attempt to have the companion Officer contacted.
 - 1. The companion Officer will be responsible to serve in a supportive role during the subsequent events; however, the chosen companion may be required to provide a statement to investigators.
 - 2. The companion Officer may be required to provide transportation for the involved sworn or non-sworn personnel as well as to make other arrangements as necessary.
 - 3. Police Officers involved in the incident cannot serve as companion Police Officers.
- F. Will ensure that involved sworn personnel maintain all clothing and equipment until retrieved by Criminalistics personnel.
- G. Will begin an area canvas to locate any suspects or possible witnesses. All witnesses or suspects will be held for identified and held separately until they are interviewed by the criminal investigators assigned.
- H. Will remain on the scene until relieved by the Criminal Investigations supervisor. The First Responding Supervisor may not relinquish control of the scene without conducting a full and complete briefing with the Criminal Investigations supervisor.

324.03 THE DEADLY FORCE INVESTIGATIVE TEAM

- A. Will conduct all interviews and statements as necessary.
- B. Will answer directly to the Deadly Force Team supervisor regardless of his current regular assignment.
- C. No individual suspect photos will be used for the purpose of identification. The investigator will prepare a photo array(s) to be used for identification purposes. An approved photo array identification sheet will accompany all photo arrays shown. Once a photo array has been shown it will be tagged into evidence even if no identification was made from the array.
- D. The investigator will prepare all search warrants, motions to seal and orders to seal to be executed during the course of the investigation. The investigator will discuss the need for sealing search warrants which are prepared prior to a suspect's arrest with the District Attorney's Office. In the event that the District Attorney orders the warrants sealed, the detective will ensure that the search warrant affidavit is accompanied by both a motion to seal and an order to seal.
- E. Investigators will go over all evidence collected with reference to their investigation. Request for additional or specialized evidence examination must be made in writing to the Criminalistics Unit.

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- F. Is responsible for all phases of the Criminal Investigation, with the exception of retrieving, processing, securing and collecting evidence.
- G. The investigator will ensure that the case is completed in a timely manner and forwarded to the District Attorney's Office upon completion.

324.04 CRIMINALISTICS TEAM

- A. Will work directly under the supervision of the Deadly Force Team supervisor.
- B. Entrance to the inner perimeter of the crime scene will be allowed only after the Criminalistics investigator has received a full and complete briefing from the Deadly Force Team supervisor. All personnel of the Deadly Force Team are to be present for the initial briefing.
- C. Criminalistics personnel will then enter the crime scene and videotape it in its entirety. Once the videotape is completed the Criminalistics unit will withdraw from the scene and review the tape with the lead investigator. At this time, the lead investigator will indicate any special investigative procedures they wish to have undertaken. In the event that a videotape cannot be reviewed on the scene, the lead investigator will accompany the Criminalistics investigator on his initial walk through in order to point out special procedures they wish to have performed.
- D. Because access to the scene itself is restricted, this crime scene video will also be made available to the Internal Affairs Unit, the Department Command Staff and the Departments Public Information Officer. If for technical reasons a video is not available the lead investigator will brief the above listed personnel after completing the initial crime scene inspection so that the listed personnel can complete their assigned duties.
- E. After the completion of the initial crime scene investigation by the Criminalistics Unit, a Deadly Force Team debriefing will take place. Once this debriefing is completed the following parties may have access to the inner perimeter at the discretion of the Deadly Force Team supervisor:
 - 1. Deadly Force Team personnel.
 - 2. Internal Affairs personnel.
 - 3. District Attorney's personnel.
 - 4. Special investigative resources requested by the Team supervisor.

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- F. The Criminalistics Unit will have immediate access to involved personnel for the purpose of collecting trace evidence. In instances involving the use of a firearm the Criminalistics Unit will perform a primer residue test on the involved personnel and will collect the sworn personnel's firearm and leather gear once they arrive at the Criminal Investigations Division. The Criminalistics unit will collect all items of clothing which have trace evidence present on them.

324.05

DEADLY FORCE TEAM SUPERVISOR

- A. The Deadly Force Team supervisor will not accept control of the scene until he has received a full and complete briefing from the Field Services Bureau supervisor, to include the identity of Officers involved in the investigation and their current assignments and status.
- B. After accepting the scene from the First Responding Supervisor the Deadly Force Team supervisor will be responsible for the overall coordination of the investigation.
- C. Will direct the transportation of witnesses and suspects to include the involved Officer(s) to the Criminal Investigations Division for interviews and/or statements. Transportation arrangements will be made as expeditiously as is reasonably possible.
- D. Will keep all concerned personnel appraised of the investigation's status and will schedule a complete debriefing with the Chief of Police's staff within 24 hours of the event and will schedule a debriefing with other involved agencies within 7 - 10 working days.
- E. Will act as the liaison between outside agencies (i.e. District Attorney's Office, FBI, McKinley County Sheriff's Department, etc) and the New Mexico State Police Department.
- F. Will act as the liaison with the Departments Internal Affairs unit.
- G. Will review any and all information intended for release to the news media, along with the involved Bureau Commander, the Chief of Police or his selected appointee, and the Public Information Officer prior to the release of the information to the media. All information intended for media release must go through this process.
- H. Will have the authority to assign additional personnel, as he deems necessary.
- I. Will ensure that the case is completed, in a timely manner and submitted to the District Attorney's Office for review.
- J. Will be responsible for seeing that Officer(s) surrendering their firearms for evidential purposes have replacement weapons provided to them immediately upon the collection of the involved weapons and that replacement leather gear and ammunition is also provided at the time. Any other Department issued equipment that is surrendered to the Deadly Force Investigative Team will be replaced as soon as available.

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324.06 INTERNAL AFFAIRS UNIT

- A. Will monitor the investigative process to assure that only proper investigative techniques are used.
- B. Will complete the Chief of Police's Administrative investigation per the guidelines set down in the Internal Affairs section of this manual.

324.07 INTERVIEWS AND STATEMENTS

- A. The Officer(s) involved will be advised of their Miranda Warnings prior to the Deadly Force Teams request for a formal statement.
- B. If the involved Officer(s) do not wish to waive their Constitutional Right to silence the interview will immediately cease.
- C. If the Officer(s) involved request an attorney, one will be provided prior to questioning.
- D. The involved Officer(s) will not be required to submit any form of written report or documentation as to the events under investigation should they choose not to.
- E. Initial interviews will be conducted in private; however, members of the District Attorney's Office, the Internal Affairs Unit, and OMI will be able to monitor any and all questioning. These interviews will be documented with the use of both audio and video recording devices.
- F. The Deadly Force Team supervisor will select the personnel who conduct the interview.
- G. If possible, civilian witnesses, along with Department personnel who are witnesses, will be interviewed prior to the Officer(s) directly involved in the incident (Note: this does not limit the Deadly Force Team supervisor/ investigator from interviewing the Officer(s) directly involved in the incident, prior to the interviewing of any witnesses).
- H. The involved Officer(s) may at this point request to consult with the Department Psychologist or any attorney.
- I. The Department's Internal Affairs representative will schedule an interview for the involved Officer(s). This interview will take place as soon as is practical. The Internal Affairs interview will be taken following that unit's interview guidelines.

324.08 ADMINISTRATIVE LEAVE

- A. Any Officer(s) involved will be allowed a minimum of three days Administrative Leave; however, a longer period can be granted if the situation warrants it. The Bureau Commander or higher authority must authorize this request.
- B. Administrative Leave can also be applicable to non-sworn personnel if a supervisor requests it.